

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MELVIN KNIGHT, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )  
                        )  
**FLOYD MURPHY, STEVEN CMAR,**     )  
**JOHN R. WALTON,**         )  
                        )  
Defendants.         )

2:12cv984  
**Electronic Filing**

**MEMORANDUM AND ORDER OF COURT**

After appropriate development of the record Magistrate Judge Lisa Pupo Lenihan issued a report and recommendation on September 24, 2015, addressing the County Defendants and the Medical Defendants' motions for summary judgment. The magistrate judge recommended that the motions be granted. Report and Recommendation of September 24, 2015 (Doc. No. 132) at 1, 19. Plaintiff was advised therein that he had fourteen (14) days from the date of service to file objections. Id.

On October 6, 2015, plaintiff delivered to SCI Greensburg staff a motion to extend his time to file objections to the report and recommendation, which was filed on October 8, 2015. Plaintiff asserted that he was confined in restricted housing and he needed 60 additional days to file his objections, in part because he needed "the help of another prisoner to assist him in compiling and completing his objections." Plaintiff's Motion to Extend (Doc. No. 133) at 2. Magistrate Judge Lenihan granted the motion and extended plaintiff's due date to December 8, 2015. Order of October 9, 2015 (Docket Entry 134). Plaintiff was placed on notice that "no further extensions [would] be granted absent good cause shown." Id.

On December 8, 2015, Plaintiff filed a motion for the appointment of counsel. Magistrate Judge Lenihan denied the motion without prejudice to renew in the event the Report

and Recommendation was not adopted by the Court. Order of December 9, 2015 (Docket Entry 136).

On December 14, 2015, plaintiff delivered to SCI Greensburg staff a second motion for extension of time within which to file objections. See Doc. No. 137-1. The motion was filed on December 16, 2015. Plaintiff asserted that he has been busy in preparing for the next potential round of appeals in the event a death warrant is signed by "the Secretary of Corrections and [he] would be placed on phase 2." Motion to Extend (Doc. No. 137) at ¶ 2. He also noted that additional time was needed "to allow the person helping time to learn the case to affectively assist Plaintiff [in] completing his objections." Id. at ¶ 3. Plaintiff failed to identify any substantive grounds for lodging objections to the Report and Recommendation.

On December 17, 2015, an order was issued granting the defendants' motions for summary judgment and adopting the Report and Recommendation. The order failed to recognize that plaintiff had filed a motion to extend time to file objections. If fact, it indicated in error that plaintiff "did not file objections or request another extension of time." Memorandum Order of December 17, 2015 (Doc. No. 138) at 1. Plaintiff timely filed a notice of appeal on January 8, 2016.

We have considered plaintiff's December 16, 2015, motion for an extension of time to file objections. It will be denied for two basic reasons. First, it was untimely under any measure. Second, it fails to advance good cause for a further extension. Plaintiff has had more than sufficient time (approximately 10 weeks) to identify his grounds for objection and has failed to do so. He merely professes a need to gain assistance from others to find some basis to object. Defendants are entitled to the orderly resolution of this matter. Consequently, the order that follows is appropriate.

**ORDER OF COURT**

AND NOW, this 19<sup>th</sup> day of January, 2016, upon due consideration of plaintiff's motion for Extension of Time to File Objections, IT IS ORDERED that [137] the motion be, and the same hereby is, denied.

s/David Stewart Cercone  
David Stewart Cercone  
United States District Judge

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*(Via First Class Mail)*

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